

**HEARING AID DISPENSERS BUREAU**

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HEARING AID DISPENSER TEMPORARY LICENSE INFORMATION

The California Hearing Aid Dispenser License Law allows an applicant to obtain temporary licensure to practice while taking the hearing aid dispenser licensing examinations. An overview of the two types of temporary licenses is outlined below. **An applicant may not practice until the temporary license is issued.**

1) *Temporary-Trainee License* (Business & Professions Code section 3357)

Business and Professions Code section 3357 allows an applicant to obtain a temporary-trainee license under the supervision of a licensed hearing aid dispenser upon approval by the Department of Consumer Affairs, Hearing Aid Dispensers Bureau. The license is issued for six months and may be renewed twice for a maximum of 18 months. A temporary-trainee may not change supervisors or business locations without prior approval.

Supervision Requirements:

The supervisor must have held a California hearing aid dispenser license for at least three years and not have been the subject of successful disciplinary action within the preceding three years. The supervising dispenser is responsible for any acts or omissions committed by the temporary-trainee. The supervisor must approve the selection of the hearing aids and countersign the audiogram and all sales documents relating to the transaction.

A minimum of 20% direct supervision is required prior to taking the examination. If the trainee fails the written or practical examination, the trainee must be under 100% direct supervision until he/she passes the examination.

Examination Requirements:

The trainee must take the written examination within the first 10 months after the license is issued. Failure to take the examination within that time period will result in the expiration of the trainee license. The license cannot be renewed until the trainee takes the written examination.

2) *Temporary License* (Business & Professions Code section 3356)

Business and Professions Code section 3356 allows an applicant who is licensed in another state to dispense hearing aids to obtain a temporary license to practice without supervision. The temporary license is issued for one year and is not renewable. A temporary licensee may not change business locations without notifying the office in writing.

Requirements:

The applicant must have been licensed in another state to dispense hearing aids for the two years immediately preceding the submission of the hearing aid dispenser license application. The license allows the applicant to practice while taking the examinations for a maximum of one year.

The applicant must submit an official license verification from the state licensing agency and documentation from his/her employer providing the dates of employment and description of duties. If the applicant was self-employed, a notarized personal statement must be submitted. The license verification must be an original and indicate whether or not the licensee has been the subject of formal disciplinary action.

Examination:

If the licensee fails either the written or practical examination, the licensee must obtain a supervisor under the provisions of Business & Professions Code section 3357 and be supervised 100% of the time in order to continue dispensing hearing aids.

Temporary License Limitations:

A temporary licensee cannot be the sole proprietor of, manage, or independently operate a business which engages in the fitting or sale of hearing aids. This limitation applies to both types of temporary license.

Carefully review the Hearing Aid Dispenser License laws and regulations regarding the requirements for temporary licensure. If you have any questions, please call the Hearing Aid Dispensers Bureau at 916/574-7990.

Business and Professions Code Chapter 7.5 Hearing Aid Dispensers License Law

Temporary License

3356. (a) An applicant who has fulfilled the requirements of Section 3352 and has made application therefor, may have a temporary license issued to him or her upon satisfactory proof to the bureau that the applicant holds a hearing aid dispenser's license in another state, that the licensee has not been subject to formal disciplinary action by another licensing authority, and that the applicant has been engaged in the fitting and sale of hearing aids for the two years immediately prior to application.

(b) A temporary license issued pursuant to this section shall be valid for one year from the date of issuance and is not renewable. A temporary license shall automatically terminate upon issuance of a license prior to expiration of the one-year period.

(c) The holder of a temporary license issued pursuant to this section who fails either license examination shall be subject to and shall comply with the supervision requirements of Section 3357 and any regulations adopted pursuant thereto.

(Amended by Stats. 2000, Ch. 277; effective January 1, 2001.)

Temporary License

3357. (a) An applicant who has fulfilled the requirements of Section 3352, and has made application therefor, and who proves to the satisfaction of bureau that he or she will be supervised and trained by a hearing aid dispenser who is approved by the bureau may have a temporary license issued to him or her. The temporary license shall entitle the temporary licensee to fit or sell hearing aids as set forth in regulations of the bureau. The supervising dispenser shall be responsible for any acts or omissions committed by a temporary licensee under his or her supervision which may constitute a violation of this chapter.

(b) The bureau shall adopt regulations setting forth criteria for its refusal to approve a hearing aid dispenser to supervise a temporary licensee, including procedures to appeal that decision.

(c) A temporary license issued pursuant to this section is effective and valid for six months from date of issue. The bureau may renew the temporary license for an additional period of six months. The bureau shall not issue more than two renewals of a temporary license to any applicant. If a temporary licensee who is entitled to renew a temporary license does not renew the temporary license and applies for a new temporary license at a later time, the new temporary license shall only be issued and renewed subject to the limitations set forth in this subdivision.

(Amended by Stats. 2000, Ch. 277; effective January 1, 2001.)

License Examination

3358. A temporary licensee under Section 3357 shall take the license examination within the first 10 months after the temporary license is issued. Failure to take the license examination within that time shall result in expiration of the temporary license, and it shall not be renewed unless the temporary licensee has first taken the licensure examination. The bureau, however, may in its discretion renew the temporary license if the licensee failed to take the necessary examination due to illness or other hardship.

(Amended by Stats. 2000, Ch. 277; effective January 1, 2001.)

Temporary License Limitations

3359. (a) A temporary licensee shall not be the sole proprietor of, manage, or independently operate a business which engages in the fitting or sale of hearing aids.

(b) A temporary licensee shall not advertise or otherwise represent that he or she holds a license as a hearing aid dispenser.

(Added by Stats. 1989, Ch. 302.)

Title 16, Chapter 13.3

Hearing Aid Dispensers Regulations

Article 3. Temporary Licenses

1399.114. Temporary License Applications.

(a) Any applicant for a temporary license under Section 3357 of the code shall provide the following information to the bureau in order to show satisfactory supervision and training:

- (1) Name, address, license number and the signature of his or her supervisor.
- (2) Identification of the supervisory facility by proprietary name and address.

(b) The supervisor shall file as an addendum to the application the following statements and information:

- (1) A general description of the supervisor's facility which shall include the:
 - (A) Equipment used in the fitting of hearing aids.
 - (B) Training material.
 - (C) Training space.
 - (D) Area in which hearing tests are given.
- (2) A description of the portable equipment and tools used outside the supervisory facility in the fitting or selling of hearing aids.
- (3) Information that demonstrates adequate supervision and training will be provided in compliance with Section 1399.118.

(c) Any person holding a temporary license issued pursuant to sections 3356 or 3357 shall, upon passing the examination and receiving a license, surrender the temporary license to the bureau.

(d) An excessive number of trainee-applicants under the supervisor may preclude a finding by the bureau that the trainee-applicants will be adequately supervised and trained.

NOTE: Authority cited: Section 3328, Business & Professions Code. Reference: Sections 3352 and 3357, Business & Professions Code.

HISTORY:

1. Renumbering of Section 1399.115 to Section 1399.114 filed 1-24-91; effective thirtieth day thereafter.
2. Amendment of Section 1399.114 filed 4/27/01; approved 6/11/01.

1399.115 Denial, Suspension, or Revocation of Authority to Supervise

(a) The bureau may refuse to approve or approve subject to terms and conditions a hearing aid dispenser's authority to supervise a trainee-applicant, or may suspend, revoke, or impose probationary conditions on a hearing aid dispenser's authority to supervise a trainee-applicant for any of the following causes:

(1) The failure to comply with Section 3357 of the code or any of the regulations contained in this article which is a prima facie violation, or is confirmed by an internal investigation report signed by the chief, or by formal investigation by the Division of Investigation of the department within the preceding 36 months. "Confirmed by formal investigation" means the investigator assigned the matter has written a final investigation report which has been countersigned by a Supervising Special Investigator.

(2) The violation of any provision of the Hearing Aid Dispensers Licensing Law or the regulations contained in this chapter which is confirmed by an internal investigation report signed by the chief, or by a formal investigation by the Division of Investigation of the department within the preceding 36 months. "Confirmed by formal investigation" means the investigator assigned the matter has written a final investigation report which has been countersigned by a Supervising Special Investigator.

(3) The dispenser's license has been revoked, suspended, or subject to any restrictions within the preceding 36 months.

(4) An Accusation has been filed against the dispenser under the Administrative Procedure Act by the Attorney General's office and the charges are pending.

(5) The provision of false or misleading information during the application process.

(6) The conviction of a crime involving fiscal dishonesty for which the dispenser has been on probation or parole within the preceding 36 months.

(b) The bureau shall refuse to approve a hearing aid dispenser's authority to supervise a trainee-applicant if the hearing aid dispenser has not possessed a valid, active license as a hearing aid dispenser in California for at least three (3) years preceding the date on which the application for approval was received by

the bureau.

(c) A hearing aid dispenser may appeal the denial, suspension, revocation, or imposition of probationary conditions upon his or her authority to supervise a trainee-applicant by filing such an appeal in writing with the bureau's office in Sacramento within 60 days of denial, suspension, revocation or imposition of probationary conditions. The appeal will be considered by the bureau within 45 days of receipt of the appeal in the bureau's office. If action under this section results in the termination of supervision and training of a trainee-applicant, then the supervising hearing aid dispenser shall so notify the bureau in accordance with Section 1399.118, subsection (g).

NOTE: Authority Cited: Section 3328, Business and Professions Code. Reference: Sections 3330 and 3357, Business and Professions Code.

HISTORY:

1. Renumbering of Section 1399.114 to Section 1399.115 and adding new Section 1399.115 filed 1-24-91; effective thirtieth day thereafter.
2. Amendment of Section 1399.115 filed 11-2-98; effective thirtieth day thereafter.
3. Amendment of Section 1399.115 filed 4/27/01; approved 6/11/01.

1399.116. Supervision of Trainee-Applicants.

(a) A licensed hearing aid dispenser shall not supervise more than one trainee-applicant at any one time unless a specific waiver has been granted by the bureau. Criteria for such a waiver shall be:

(1) the supervising dispenser shall have possessed a valid license as a hearing aid dispenser and engaged in the practice of fitting and selling hearing aids for at least three (3) years;

(2) the supervising dispenser has not been the subject of successful disciplinary action or of a complaint which has been investigated and verified by internal investigation report or the department's Division of Investigation within the preceding three (3) years; and

(3) the supervising dispenser shall not have been found to be in violation of any of the regulations contained in this article within the preceding three (3) years.

(b) A licensed hearing aid dispenser shall not in any circumstance supervise more than three (3) trainee-applicants at any one time.

NOTE: Authority cited: Section 3328, Business & Professions Code. Reference: Sections 3330 and 3357, Business & Professions Code.

HISTORY: Amendment of Section 1399.116 filed 4/27/01; approved 6/11/01.

1399.117. Representation of Trainee-Applicant.

A trainee-applicant shall, when engaged in the fitting or selling of hearing aids, present himself or herself to the public as a hearing aid dispenser trainee. Trainee-applicants may not refer to themselves in any advertising or promotional literature as anything but a hearing aid dispenser trainee.

NOTE: Authority cited: Section 3328, Business & Professions Code. Reference: Sections 3357 and 3401, Business & Professions Code.

1399.118. Supervision and Training Required.

The supervision and training of a trainee-applicant under Section 3357 of the code engaged in the fitting or selling of hearing aids shall include the following:

(a) Intervention into the fitting and selling process by the supervisor.

(b) Inspection of the fitting and selling process by the supervisor.

(c) Training consisting of the following:

(1) Review of the results of each fitting and sale of a hearing aid;

(2) Reevaluation of the fitting and selling techniques of the trainee-applicant at least weekly;

(3) Being readily available to the trainee-applicant to render advice and give instruction and assistance in the fitting and selling of hearing aids;

(d) Instruction in the procedures for the fitting and selling of hearing aids required by Chapter 7.5, Division 2 of the code.

(e) Training with instruments and equipment generally considered to produce valid hearing measurements necessary to the fitting and selling of hearing aids.

(f) A statement that the supervisor has agreed to accept the responsibility for the supervision and training of the applicant as required by Section 3357 of the code.

(g) The supervisor shall be responsible for providing supervision until whichever of the following first occurs:

(1) The trainee-applicant obtains a permanent license.

(2) The supervisor or trainee-applicant gives written notification to the bureau that he or she is terminating supervision and training.

NOTE: Authority cited: Section 3328, Business & Professions Code. Reference: Section 3357, Business & Professions Code.

HISTORY: Amendment of Section 1399.118 filed 4/27/01; approved 6/11/01.

1399.119. Direct Supervision.

A trainee-applicant under Section 3357 of the code shall fit or sell hearing aids only under the direct supervision of the supervising licensed hearing aid dispenser. "Direct supervision" as used in this section means all of the following:

(a) The supervising dispenser is present within the same work setting a minimum of 20 percent of the time in which the trainee-applicant is providing services.

(b) The supervising dispenser shall approve the selection of a hearing aid by a trainee-applicant.

(c) The supervising dispenser shall countersign the audiogram and all sales documents prepared and consummated by a trainee-applicant.

(d) If a trainee-applicant fails the license examination, the supervising dispenser is required to be physically present at all fittings and sales made by the trainee-applicant regardless of whether these occur in or outside the supervising dispenser's business location.

NOTE: Authority cited: Section 3328, Business & Professions Code. Reference: Section 3357, Business & Professions Code.